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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/600,350

06/23/2003

Hiroyuki Iida

239298US2

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7590

04/29/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

CASLER, TRACI

ART UNIT

PAPER NUMBER

3629

NOTIFICATION DATE

DELIVERY MODE

04/29/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/600,350	<b>Applicant(s)</b> IIDA ET AL.	
	<b>Examiner</b> Traci L. Casler	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/23/2003</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

This action is in response to papers filed on June 23, 2003.

Claims 1-7 are pending.

Claims 1-7 are rejected.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claims are directed to a by a "modified Swiss system on the basis of the match results". The disclosure fails to teach how the Swiss system is modified and how the modified system uses the results to generate the pairing. Additionally claim 6 teaches a calculation process to calculate the number of runs a " $1 \leq r_1 \leq r - \lceil \log_2 n \rceil$ ". The disclosure fails to teach how a calculation is used to suppress a "reverse phenomenon" or how, additional. The disclosure discusses " *a chance of reverse phenomenon is to be increased while suppressing disproportionate pairings, the number  $r_1$  rounds of the random system can be suppress, the number  $r_1$  rounds of the random system can be increased.*" Pg. 33. This portion of the disclosure appears to be contradictory to the claims in which it claims the number of rounds being determined by a calculation. The

disclosure appears to make it a subjective determination for when to increase or decrease the number of rounds.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 2 recites the limitation "the number r1" and "the number r2" in ln 6 and 7. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 2 recites the limitation "the held pairings" in ln 15. There is insufficient antecedent basis for this limitation in the claim.

6.

7.

### ***Claim Rejections - 35 USC § 101***

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 3, 5 and 6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

9. Claim 3 fails to fall within the statutory subject matter as currently claimed. The claim is a computer program stored on a computer recorded medium. The claim language as claimed is considered software per se. Correction of this is suggested by claiming the program "tangibly embodied on a computer readable medium to be executed by a computer....".

10. As to claims 5 and 6 the claims are directed towards a process of determining the number of rounds in a tournament. The disclosure discusses "*a chance of reverse phenomenon is to be increased while suppressing disproportionate pairings, the number  $r1$  rounds of the random system can be suppress, the number  $r1$  rounds of the random system can be increased.*" Pg. 33. This portion of the disclosure appears to be contradictory to the claims in which it claims the number of rounds being determined by a calculation. The disclosure appears to make it a subjective determination for when to increase or decrease the number of rounds. This would fail to create a concrete repeatable result and therefore is not statutory.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claim1-3 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by "Weighted Matching in Chess Tournaments"; The Journal of Operational Research Society, Vo. 41. No. 1 (Jan 1990). Hereinafter referred to as JSTOR.

13. As to claims 1, 2 and 3 JSTOR teaches a pairing apparatus for generating pairings used to hold matches of pairs of a plurality of participating teams, comprising:

14. pairing storage means for storing match results in association with the generated pairings;(JSTOR teaches Pg. 21 P 2-5 as computer program for the "matchmaker system")

15. setting means for setting the number  $r_1$  of rounds from first to  $(r_1)$ -th rounds and the number  $r_2$  of rounds from  $(r_1+1)$ -th to  $r$ -th rounds of the matches;(Pg 21 ¶ 3 )

16. first pairing means for sequentially or simultaneously generating pairings from the first to  $(r_1)$ -th rounds by a random system on the basis of the set number  $r_1$  of rounds, and writing the generated pairings in the pairing storage means;(Pg. 23 Ref.2.2 Pg. 18 ¶ 5 )

17. second pairing means for sequentially generating pairings from the  $(r_1+1)$ -th to  $r$ -th rounds by a modified Swiss system on the basis of the match results in the pairing storage means, and writing the generated pairings in the pairing storage means; and( PG. 18 ¶ 3 & 6 Pg. 19 ¶ 2).

18. output means for outputting storage contents of the pairing storage means.(Pg. 21 ¶ 5 system delivering various information .)

19. a step of controlling the pairing apparatus to hold the held pairings and input match results in association with each other upon completion of matches from the first to  $(r_1)$ -th rounds; JSTOR does not explicitly state holding the pairing, however, JSTOR teaches the system delivering information about players (Pg. 21 ¶ 5 such as status, scores and color status, which players won... this inherently teaches that if there are scores and results of who one that the paired matches had to take place. You can not store who has won and what scores are unless there was an actual match that took place.

20. As to claim 5 JSTOR teaches a program for setting (as best understood by examiner) pairings that does not cause a “reverse phenomenon”. (Pg. 18 ¶ 6-8.)

21. As to claim 6 JSTOR teaches a calculation for determining the number of rounds to be played (As best understood by examiner(Pg. 19 ¶ 2).

***Claim Rejections - 35 USC § 103***

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Weighted Matching in Chess Tournaments"; The Journal of Operational Research Society, Vo. 41. No. 1 (Jan 1990), as applied to claims 1-3. 5-6 above in view of US Patent 5,779,549 Walker et al; Database Driven online Distribution Tournament System.; hereinafter referred to as Walker.

24. As to claims 4 and 7 JSTOR teaches a system and method for determining pairing and rounds to be played in a tournament environment. However, JSTOR fails to teach communicating the pairing contents to the participants. Walker teaches communication through an email system" to keep players informed as to when and with whom the next match is scheduled. (C. 11 l. 63-67). It would have been obvious to one skilled in the art at the time of invention to combine Walker with JSTOR as this would make the JSTOR system quicker and more efficient in communication with players as identified as a tournaments problems (Pg. 17 ¶ 1 JSTOR).

***Conclusion***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

26. Swiss pairing brings Tournament problems. Evening Post; May 1, 1996.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Casler whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Traci L Casler/  
Examiner, Art Unit 3629

/John G. Weiss/

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Supervisory Patent Examiner, Art Unit 3629